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*United Financial Casualty Company*

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
BUTTE DIVISION**

UNITED FINANCIAL CASUALTY  
COMPANY,

Petitioner,

-vs-

LEPROWSE CONSTRUCTION,  
INC., KEVIN STUBER, and IRVIN  
BLACKTONGUE

Respondents.

**2:17-CV-00077-SEH**

**Petitioner's Rule 41(a)(1)(A)(i)  
Notice of Dismissal Without  
Prejudice**

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i), Petitioner United Financial Casualty Company (UFCC) notifies the Court of its voluntary dismissal of this matter, without prejudice. Dismissal is made pursuant to that rule, which provides for dismissal without a Court order:

**(a) Voluntary Dismissal.**

(1) *By the Plaintiff.*

(A) Without a Court Order. Subject to Rules 23(e), 23.1(c), 23.2, and 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

- (i) a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment; or

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(B) Effect. Unless the notice or stipulation states otherwise, the dismissal is without prejudice. But if the plaintiff previously dismissed any federal- or state-court action based on or including the same claim, a notice of dismissal operates as an adjudication on the merits.

Fed. R. Civ. P. 41(a).

Here, Petitioner is filing its notice of voluntary dismissal before any opposing party has served an answer or a motion for summary judgment. Fed. R. Civ. P. 41(a)(1)(A)(i). Further, the effect of this “dismissal is without prejudice.” Fed. R. Civ. P. 41(a)(1)(B). Therefore, dismissal without prejudice is appropriate.

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DATED this 14<sup>th</sup> day of November, 2017.

/s/ Alexander T. Tsomaya  
Nicholas J. Pagnotta  
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Williams Law Firm, P.C.  
*Attorneys for Petitioner United Financial  
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